



Access to Higher Education Policies & Procedures

Last edited: **20th September 2022**

Next review is due: **December 2023**

## 1. Purpose and Scope

The purpose of this procedure is to enable Academy staff to deal with student disciplinary issues in a consistent, timely and fair manner. It provides for the orderly investigation and resolution of cases of alleged unsatisfactory conduct and will be initiated:

- a) When a student is alleged to have broken Academy rules, regulations and procedures;
- b) When misconduct is alleged (see para 4.4.1);
- c) When students have breached TheWRD's Terms of Use policy available here: <https://studythewrd.com/terms-of-use/>.

## 2. Exceptions

- 2.1. Minor infringements of discipline can be dealt with by Academy Staff or Director of Student Experience.
- 2.2. Failure to submit work in accordance with study guidelines. In such cases if exclusion is considered, this must be discussed with the Chief Executive or Chief Learning and Education Officer prior to the hearing. They will then be consulted after the hearing before exclusion can be invoked.
- 2.3. Students who have a medical condition, learning difficulty or disability which could be related to the actions or behaviour that brought about a breach of the code of conduct. In which case the Director of Student Experience or nominated other members of staff with responsibility for student welfare, will be consulted before action taken under this procedure.

## 3. Initial Decision Making

An Investigating Officer will be appointed at the initial stage of any disciplinary investigation and will need to decide, based on the information available, whether an alleged incident warrants application of the formal disciplinary procedure. If so, at

what stage (see below). Further investigation by the Investigating Officer may be needed before making this decision.

The purpose of an investigation is to ascertain promptly the facts and circumstances relating to the alleged incident, to record the findings, and to make a judgement as to whether the disciplinary procedure should be invoked. If, in the judgement of the Investigating Officer, disciplinary action is not to be invoked then no record should be maintained on file.

Due consideration should be taken of the stressful nature of a disciplinary investigation and, if it is thought appropriate, a member of staff, unconnected with the original complaint and disciplinary processes, advise and support the student.

Depending upon the severity of the incident, the disciplinary procedure can be implemented at any stage. For example, a case of gross misconduct would warrant a disciplinary hearing as the initial response. In exceptional circumstances it may be necessary to suspend a student pending the outcome of the disciplinary hearing. In such cases reference must be made to a member of the Executive Team. If suspension of a student is agreed the procedure detailed below must be followed.

In the event a criminal act is alleged it may be necessary to suspend an investigation on the grounds it will prejudice any police investigation. Where this happens the student will be informed and the procedure will resume once a conclusion to the police investigation has been made or we have been informed by the Police it is appropriate to do so.

## **4. The Disciplinary Framework**

### **4.1. Stage One – Verbal Warning**

For a minor breach of Academy regulations, a verbal warning may be considered sufficient. If so, it should be delivered in private by a Senior Member of Staff. The student will be told why their behaviour does not meet an acceptable standard and made aware of what they have to do in order to meet that standard. For example, issues such as disruptive behaviour during live classes or site visits. The record of the verbal warning should be kept on file and may be available to other staff at TheWRD or a prospective Employer (if applicable) for a period of 6 months following the incident.

**See Appendix 1.** Form to record the verbal warning, to be uploaded to a student's record.

#### 4.2. **Stage Two – First Written Warning**

Students should have a maximum of 2 verbal warnings before moving to stage 2, 3 or 4 of this procedure. For a more serious breach of Academy regulations, or for further breaches after a verbal warning has already been issued, a written warning should be given to the student. This should be from a senior member of TheWRD. It may include the student entering into a signed Learning/Behavioural Agreement to prevent further incidents. The record of the first written warning should be kept on file and may be available to other staff at TheWRD or a prospective Employer (if applicable) for a period of 6 months following the incident.

**See Appendix 2.** Letter template for advising a Stage 2 written warning, to be posted and uploaded to the Student Record.

**See Appendix 10.** For the Learning/Behavioural Agreement to be posted and uploaded to the Student Record.

#### 4.3. **Stage Three – Final Written Warning**

A final written warning should be given to the student for a breach of Academy regulations considered serious enough to issue a severe written warning as the first response, but not sufficiently serious to warrant a disciplinary hearing, or for further breaches of regulations by a student who has already received a written warning. The letter should be from the Chief Executive or Chief Education and Learning Officer. For a student who has not previously been required to enter into a signed Learning/Behavioural Agreement this will be included.

Agreement consideration should be given to revising its conditions if one has already been completed. The record of the first written warning should be kept on file and may be available to other staff at TheWRD or a prospective Employer (if applicable) for a period of 1 year following the incident.

**See Appendix 3.** Letter template for advising a Stage 3 written warning to be posted and uploaded to the Student Record.

**See Appendix 10.** For the Learning/Behavioural Agreement to be posted and uploaded to the Student Record.

#### 4.4. Stage Four – Disciplinary Hearing

4.4.1. A disciplinary hearing will be held in the following circumstances:

- a) A student's conduct continues to be unsatisfactory despite repeated warnings;
- b) A student commits an act of gross misconduct.

**Examples of gross misconduct may include but is not restricted to:**

- Physical or verbal assault whilst partaking in activities, events or learning facilitated by TheWRD;
- Harassment or bullying;
- Possession of or dealing with illegal substances;
- Alcohol abuse;
- Vandalism;
- Theft;
- Abuse or misuse of computer equipment;
- Behaviour considered to be discriminatory to others;
- Behaviour which brings TheWRD into disrepute.

This is not a definitive list.

4.4.2. If it is alleged a student has committed an act of Gross Misconduct, the matter is to be reported immediately to a member of the Executive Team who will decide, on the information available, if the student should be considered for suspension.

Subsequently and wherever possible, an appointed Investigating Officer will interview the student concerned, who should be given the opportunity to state their version of events. Following this meeting if the Investigating Officer determines that further action is necessary they must consult a member of the Executive Team to confirm the Disciplinary Procedure is to be invoked and if so, what is the most appropriate method of dealing with the matter i.e. Stage 1 to 3 or a Disciplinary Hearing.

**The member of the Executive Team will review the allegation and confirm if the student should be suspended. The suspension of a student will always lead to a Disciplinary Hearing. At this stage the Chief Executive Officer or the Chief Education and Learning Officer will also agree with a member of**

**the Executive Team if they need to attend and Chair the hearing which will be necessary if it is thought that the student could be excluded.**

If the student is to be suspended then they are to be verbally informed of the suspension. In some cases it may not be possible to see the student. In such instances every effort should be made to speak with them via telephone or other means. They should be informed of the nature of the allegation and that the suspension will be confirmed in writing.

The student copy of this procedure **must** be included with the suspension letter **See Appendix 9.**

The suspension letter should be emailed to the student and a copy is to be stored on the student's record.

If the student concerned has not already given a statement of their version of events the letter must invite them to submit this to the Chief Education and Learning Officer.

**See Appendix 4** Letter template for advising a student suspension.

4.4.3. Following the student's suspension the Chief Education and Learning Officer will be responsible for:

- Monitoring the student's period of suspension;
- Ensuring that all appropriate witness statements, interview notes, reports are collated;
- Ensuring all appropriate witnesses are requested to attend the disciplinary hearing;
- Normally incidents, however serious, will be dealt with by TheWRD under this procedure. There may, however, be cases where it is clearly the duty of TheWRD, to report the matter to the police. Where staff feels the alleged offence warrants the Police being involved and to ensure TheWRD adopts a consistent and uniform approach to these incidents, the matter is to be discussed with a member of the Executive Team, whose agreement must be obtained;
- The Chief Executive or Chief Education and Learning Officer will arrange for a hearing to be held at the earliest possible date;

- This will normally be within 2 weeks of the suspension of the student and **only in exceptional circumstances** will this deadline be extended i.e. student/staff/witnesses not available because of holidays, sickness etc. In all cases where an extension is required the matter is to be discussed with the a member of the Executive Team, whose agreement must be obtained;
- Liaising with the Chief Education and Learning Officer regarding statements that are required and witnesses who will be requested to attend;
- Advising the suspended student of the date of the hearing, ensuring that 5 working days' notice is given.

**See Appendix 5.** Letter template for advising students of the hearing, a copy is to be sent to the Parent/Carer (where consent has been given) or Employer (if applicable).

4.4.4. The suspended student should be informed in the letter of the following:

- The date, time and place of the hearing;
- The nature of the allegation;
- Contact details in relation to the hearing;
- The student is entitled to be accompanied by a family member/friend or representative. The student must give at least 2 days' notice to who is Chairing the hearing, the names and relationship of anyone accompanying them. Note that this hearing does not carry any legal weight and as such does not require the presence of a solicitor;
- The student is entitled to provide statements from witnesses. Witnesses may also be requested to attend the hearing with the agreement of the Chair of the panel;
- Advise the student if TheWRD has or will be relying on statements it has collected and the names or any witnesses it proposes calling.

NB. Statements will not be sent to suspended students prior to the hearing as a matter of course. This is in order to protect the persons giving them.

They must, however, be made available for reading by the suspended student prior to the hearing and the Chair **must** ensure the student has had adequate opportunity to read and understand the contents before the hearing commences.

Similarly, in exceptional cases the names of witnesses TheWRD proposes calling may be withheld until the hearing. The Chair should then advise the student at the hearing of the names of witnesses who have been called and the reason(s) why their names were withheld.

- 4.4.5. A written recording of the hearing must be made by a member of Academy staff.

The hearing will be conducted as follows:

- Prior to the hearing the suspended student (and if the allegation is that an act of Gross Misconduct was committed against another student then that student as well), must be given the opportunity of reading **all** statements.
- The Chair should then invite the suspended student and if present, their representative(s) to join the hearing. The Chair will deal with any introductions and procedural points. The Chair will detail the allegation(s) against the student, how the hearing will be conducted, the names of any persons involved and witnesses and when and in what order any other person involved or witnesses will be called.
- The Chair may put questions to any students, their representatives and witnesses.
- The suspended student (and with the Chair's agreement) their representative(s) may put questions to any other student, their representatives and witnesses. This procedure will also apply to any other student involved.
- When the Chair is satisfied everyone has been heard and there are no more questions, the hearing will then sit in private to consider if the allegation is substantiated and if so what sanction(s) will be imposed. In arriving at their decision the hearing will take into account the nature of the allegation, all statements both written and verbal and any mitigating circumstances.



- Once a decision has been arrived at, the suspended student will be invited to rejoin the hearing and will then be advised of its decision.

This may include:

- Allowing the student to return to TheWRD
- Appropriate Warning in place
- First Written Warning
- Final Written Warning
- Entering into a Learning/Behavioural Agreement **(A compulsory requirement when a student is allowed to continue at TheWRD)**
- Suspension for a defined period
- A request for permanent exclusion or exclusion for a set period of time
- Restitution

NB. Conditions may be set e.g. a formal apology, counselling, support, recompense for any damage etc.

- The Chair will be responsible for communicating the decision to the student within 5 working days by letter **see Appendix 6**. This letter must detail the student's right of appeal (see 5 below).
- The papers will be stored electronically.
- The Chief Learning and Education Officer is to be responsible for ensuring the outcome of the hearing is implemented and any appropriate advices are issued.

The Chief Learning and Education Officer should also ensure that where an allegation is substantiated, the student's record is suitably annotated, the record remains for as long as they remain at TheWRD.

- 4.4.6. If the student fails to attend the hearing without offering an acceptable explanation, then it shall be conducted in their absence.
- 4.4.7. If for any reason the Chair decides a witness need not attend (e.g. there may be grounds for suspecting intimidation etc.) or any witnesses are unable to attend, they will be entitled to submit a written statement at least 2 days prior to the hearing. The statement(s) will be read out by the Chair at the hearing and any appropriate parties asked to comment on the statement(s). Alternatively if a witness is prepared to attend but not appear before a

suspended student and his/her representative, then at the discretion of the Chair, the hearing may see the witness on their own. In either case the suspended student should be informed of this action at the start of the hearing.

4.4.8. If at any time a student admits to an allegation of gross misconduct in writing, the matter can proceed immediately to a hearing. The hearing will be arranged and conducted in accordance with the procedure detailed in 4 above and its subsequent sections, with the following differences:

- The Chair of the hearing must be satisfied the student understands the allegation(s) and to what they are admitting.
- Apart from statements collected prior to the admission no, other statements need be taken.
- Witnesses need not be called.
- The student will be allowed to be accompanied and bring a representative as detailed in 4.4.4 above.

4.4.9. The Chair's decision in all matters shall be final.

**See Appendix 6.** Letter template informing the hearing decision.

**See Appendix 9.** Learning/Behavioural Agreement.

## 5. Right of Appeal

Students have the right to appeal against the decision of the disciplinary hearing on the following grounds:

- a) They have new evidence which is likely to alter the balance of the case and had **valid grounds** for not producing this evidence during the hearing;
- b) There has been misadministration in the conduct of the Disciplinary Procedure;
- c) They believe prejudice or bias has taken place during the hearing or investigation and are able to provide proof.

A student wishing to lodge an appeal must do so by writing to the Chief Executive Officer within 5 working days of receipt of the letter confirming the outcome of the

disciplinary hearing (see 4.4.5). They should state the grounds for appeal (see above) and enclose any documents they wish to submit in support.

## **6. Appeal**

The arrangements for the appeal panel will be made by the Chief Executive Officer (or their nominee) and a member of academic staff, none of whom should have been involved in either the alleged incident or the earlier disciplinary hearing. The Chief Executive Officer will Chair the panel and a minute taker shall record minutes. The procedure to be followed will be as set out in 4.4.4 and 4.4.5 above with the exception that depending on the grounds of the appeal it may not be necessary to call witnesses.

The student will be informed of the outcome of the appeal in writing within 5 working days.

If the appeal is upheld then the possible outcomes are:

- Delete all references to the disciplinary action from the student's file. A copy of the appeal papers to be kept confidentially on TheWRD central file for the duration of the student's course, plus 6 years. This could apply in cases where the appeal was on grounds 5(a) or (b).
- The disciplinary action is reduced and the record on the student's file is updated accordingly. This could apply in cases where the appeal was on grounds 5(a) or (c). There will be no further right of appeal.

## **7. Police Involvement**

TheWRD reserves the right to involve the Police when any act of a criminal nature is alleged. In such circumstances a student may be suspended, without prejudice, pending the outcome of Police enquiries, without making assumptions of guilt or innocence in respect of the allegations.

See also 4.4.3 above.

## **8. Confidentiality**

All disciplinary hearings will be treated as confidential to the parties concerned. After the hearing (and appeal if applicable) all related papers will be disposed of confidentially an electronic copy will be held centrally and kept for the duration of the student's course plus 6 years, whether the hearing finds against the student or not.

Where an allegation is substantiated a record will also be kept on the student's file and Student Record for as long as they remain a student at Academy.

**Appendix 1**

**THEWRD STUDENT DISCIPLINARY PROCEDURE RECORD OF VERBAL WARNING  
(FORM VW1) Student Details**

Name:	
Course:	
Student Number:	
Year of Course:	Personal Course Leader / Tutor:

## Verbal Warning Details

Warning issued on (Date) \_\_\_\_\_ By \_\_\_\_\_  
(Name) (Position)

Brief details of misconduct:

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Expected change in behaviour:

Date added to Student Record:

Staff signature:

## **Appendix 2**

### **Suggested wording for first written warning**

Name

Address

Dear (Name)

#### **First Written Warning**

On (date) you were given a verbal warning by your Course Leader / Tutor about your behaviour whilst a student at the TheWRD. You were asked to comply with TheWRD Rules, Regulations and Procedures for students in the future. Since that warning, you have breached TheWRD Rules, Regulations and Procedures again on (date) in the following manner: (give details of misdemeanour).

This behaviour is unacceptable. With immediate effect, you will be expected to conduct yourself in accordance with Academy Rules, Regulations and Procedures for Students. In order to assist you and ensure that you are complying, you are now required to sign a

Learning/Behavioural Agreement. Failure to sign this agreement or comply with its terms will result in further disciplinary action which could lead to permanent exclusion

Yours sincerely

Investigating Officer

Cc

## **Appendix 3**

### **Student Disciplinary Procedure**

#### **Suggested wording for final written warning**

Name

Address

Dear (Name)

#### **Final Written Warning**

On (date) we wrote to you about your conduct whilst at Academy and asked that in future, you conduct yourself in accordance with the Rules, Regulations and Procedures for Students. **Insert as appropriate** (You also entered into a Learning/Behavioural Agreement dated .... ) I have been informed that on (date) you again breached TheWRD Rules, Regulations and Procedures for Students, in the following manner: (give date and details of the misdemeanour).

This behaviour is unacceptable and I am writing to advise you that with immediate effect you are expected to abide by TheWRD Rules, regulations and Procedures for Students. This letter is a final warning and if any further incidents occur, you will be required to attend a disciplinary hearing which may lead to your suspension and ultimately your permanent exclusion from TheWRD. **Insert as appropriate** (you will also be required to enter into a new Learning/Behavioural Agreement).

**Or** (In order to assist you and ensure that you are complying, you are now required to sign a Learning/Behavioural Agreement. Failure to sign this agreement or comply with its terms will result in further disciplinary action which could lead to permanent exclusion).

Yours sincerely

Investigating Officer



## **Appendix 4**

### **Suggested wording for student suspension**

Name

Address

Dear STUDENT NAME

I am writing to you regarding the alleged incident (state what the alleged incident was) which occurred on (date and if known time). This letter is to confirm your suspension from TheWRD, without prejudice, pending the matter being investigated at a disciplinary hearing. The hearing will be convened as soon as possible and I will write to you again, once a date and time have been fixed to give you more detailed information. In the meantime please note the following:-

1. A copy of the Student Disciplinary Procedure is attached for your information;
2. As you have not yet been able to give a statement of your version of events I should be grateful if you would now prepare this and send to me as soon as possible. Please remember to sign and date it. *(Insert/delete as appropriate.)*
3. Pending the hearing you must under no circumstances return to TheWRD or to any of its campus without my express permission.

If you have any immediate questions then please contact me by return

Yours sincerely

Member of Executive Team

Cc Parent/Carer/Employer (where applicable)

Enc.

## **Appendix 5**

### **Suggested wording for advising a Disciplinary hearing**

Name

Address

Dear (Name)

#### **Re Disciplinary hearing arranged for (date) at (time).**

I am writing to you in connection with the allegation that on (state and nature of allegation

e.g. on (DATE) thereby and in accordance with the Student Disciplinary Procedure committing an act of Gross Misconduct.

The date of the hearing has now been arranged as detailed above and you are requested to attend. In connection with this hearing please note the following:-

1. You should arrive in advance of the hearing time. This is so you can have the opportunity of reading all statements collected by TheWRD.
2. Please note that in accordance with the Student Disciplinary Procedure you may be accompanied by a family member or friend to provide support for you. They are not intended to be an advocate or provide legal advice
3. TheWRD is also entitled to call witnesses. At the present time it intends calling the following:..... **Or** at the present time it is not the intention to call any witnesses but it reserves the right to do so.

Pending the disciplinary hearing you remain suspended from TheWRD and I would remind you that you can only enter the Academy campus or any buildings in use for field trip activities, with my express permission.

If you have any questions arising from this letter or any other matter connected with the allegation you may contact me on (Tel No).

Yours sincerely

A member of the Executive Team

## Appendix 6

### Student Disciplinary Procedure

#### Suggested wording for advising the decision of the hearing to the student

Name

Address

Dear (Name)

Re Disciplinary hearing held on (date) at (time).

I am writing further to the Disciplinary hearing detailed above to confirm the decision.

In respect of the allegation that you (detail allegation and date) thereby and in accordance with the Student Disciplinary Procedure committing an act of Gross Misconduct the hearing has **insert** (A)\* upheld the allegation **or** (B)\*\* the panel has dismissed the allegation.

A. \*

The decision of the hearing is:

1. Insert decision e.g. you are excluded from TheWRD for the remainder of this academic year or permanently excluded or will be allowed to return with effect from (insert date) etc.
2. Insert conditions e.g. Your return will be subject to you agreeing to apologise to..... Or accepting support from TheWRD with your behavioural problems etc.
3. Insert as appropriate: You will be required to enter into a signed Learning/Behavioural Agreement (copy attached).
4. Insert if appropriate – Please note that this letter is a *first and final or final* written warning. If any similar incidents occur, or any other matter is brought to the

Academy's attention, which constitutes an act of Gross Misconduct under the Student Disciplinary Procedure, you may be immediately excluded from TheWRD without any further hearing taking place.

B. \*\*

The decision of the hearing is:

1. That no further action be taken against you and you be allowed to return to TheWRD with effect from (insert date) or
2. You are allowed to return to TheWRD with effect from (insert date). Add any conditions – see\*\* below such as written warning or final written warning.

In conclusion I would draw your attention to section 6 of the Student Disciplinary Procedure which details the circumstances under which you may lodge an appeal against the hearing's decision.

Yours sincerely

Chair of the Hearing

NB. In dismissing the allegation the hearing may decide that the student's behaviour / action was unacceptable and whilst not constituting an act of Gross Misconduct warrants a written warning or final written warning or other action such as an apology.

## Learning/Behavioural Agreement

The purpose of this agreement is to provide:

- The student with a clear set of conditions which must be met, in full, throughout the length of the agreement to ensure standards of behaviour and/or performance are improved.
- The course tutor, the responsibility to review progress against these conditions at regular intervals.

**THIS LEARNING/BEHAVIOURAL AGREEMENT HAS BEEN PRODUCED UNDER THE PROVISIONS OF THE STUDENT DISCIPLINARY PROCEDURE IN RESPONSE TO UNACCEPTABLE CONDUCT BY THE STUDENT.**

The under-mentioned conditions must be met in full by:

First Name(s)			
Surname			
Date of Birth		Student Number	
Date Agreement becomes Operative			
Date Agreement Terminates (Insert agreed date)			
Frequency of Reviews (Insert fortnightly etc.)			
Name of Academy Staff Member reviewing progress.			
Course			
Area			

**Learning/Behavioural Agreement Terms:**

1. Adherence to the Student Code Of Conduct.
2. Comply with TheWRD Student Attendance and Achievement Procedure.
3. Comply with Academy Rules and Regulations for attendance, punctuality and study requirements.
4. Submit all work with the within the agreed and published deadlines.

**Review Dates**

1:		2:		3:		4:	
5:		6:		7:		8:	

I agree to meet the conditions of this Agreement

Student Signature		Date	
In the presence of: Name		Position	
Parent/Carer or Employer Signature (where appropriate)		Date	

**A copy of this Agreement must be given to:**

- The Student
- Chief Education and Learning Officer
- Director of Student Experience

